

**REMARKS**

This is in response to the Office Action mailed on July 12, 2005. Claim 1 was objected to for informalities. Claims 1-5 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Walpin (U.S. Patent No. 6,317,908), and claims 1 and 6-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tanaka (U.S. Patent No. 5,016,303).

**Claim Objection**

Claim 1 was objected to because of informalities - specifically, in line 2, “foram” should be changed to “foam”. This correction has been made, and the objection to claim 1 may now be withdrawn.

**Claim Rejections under 35 U.S.C. § 102(b)**

Claims 1-5 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Walpin. As amended, claim 1 incorporates the limitations from original dependent claim 6 (which is now canceled). For the purposes of this Amendment, amended claim 1 replaces claim 6. As such, the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Walpin should be withdrawn.

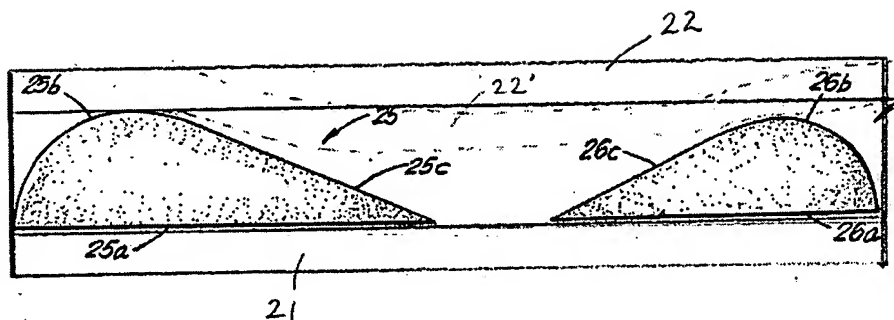
Claims 2-5 and 10 are dependent on claim 1, and thus contain all the limitations of claim 1. Since claim 1 is not anticipated by Walpin, dependent claims 2-5 and 10 are also not anticipated by Walpin.

Claims 1 and 6-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tanaka. Claim 6 has been canceled and claim 1 has been amended to incorporate the features originally recited in claim 6. For a claim to be anticipated, each and every element as set forth in the claim must be found in a single prior art reference. (See M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).)

The Examiner asserts that Tanaka shows a pillow system comprising a basis element (21) and an adjustable pillow (22-26) fitted onto the basis element. (Office Action 07/12/05 at p. 3, ¶ 4.) Tanaka does not disclose an adjustable pillow fitted onto the basis element because the top foam portion (22), side foam portions (23 and 24), and major and minor cervical rolls (25 and 26) are not adjustable. In fact, Tanaka discloses that elements 22-26 are secured to one another by adhesive means such as glue or the like. (*See* col. 3, ll. 42-51.) Because Tanaka does not disclose this claim limitation, claim 1 is not anticipated by Tanaka.

The Examiner further asserts that Tanaka is considered to show a condition where the basis element is at least substantially flat and the adjustable pillow is in longitudinal cross section at least substantially wedge-shaped in Figures 3-5. (Office Action 07/12/05 at p. 3, ¶ 4.) Tanaka does not disclose that “the adjustable pillow is in a longitudinal cross section at least substantially wedge-shaped”, as required by amended claim 1.

Any longitudinal cross section of the pillow in Tanaka would not be at least substantially wedge shaped, as required by claim 1. In Tanaka, the pillow is formed by base foam portion (21), top foam portion (22) and the layers in between (23-26), and any longitudinal cross-section of the pillow would not be “at least substantially wedge-shaped.” For example, a longitudinal cross section through major cervical roll (25) and minor cervical roll (26) would not be substantially wedge-shaped. Major cervical roll 25 and minor cervical roll 26 are oriented in FIG. 3 such that the downward slopes of the rolls are facing inward towards one another. As such, in Tanaka, a longitudinal cross section of the pillow through cervical rolls 25 and 26 shows a depression formed between cervical rolls 25 and 26. The image below is a combination of FIGS. 3-5 of Tanaka to illustrate what a longitudinal cross section of the Tanaka pillow would look like in comparison to the adjustable pillow disclosed in the instant application.



This combination of FIGS. 3 -5 of Tanaka shows a longitudinal cross section of the pillow formed by base foam portion 21, major cervical roll 25, minor cervical roll 26, and top foam portion 22. The dashed lines show that top foam portion 22 is compressible and settles downwards towards major cervical roll 25 and minor cervical roll 26 when pressure is applied to top foam portion 22 (i.e. a person lays his or her head down on the pillow). The above image illustrates that a longitudinal cross section of the Tanaka pillow is not at least substantially wedge-shaped, but rather forms a depression in the middle. Moreover, a cross-section of the Tanaka pillow cut in the other direction (i.e. perpendicular to the cross section of the image above) would also not be substantially wedge-shaped.

In contrast to Tanaka, the figure below from the instant application shows adjustable pillow 2 "which has a wedge-shaped cross section." (Appl. at p. 6, ll. 20-21.)

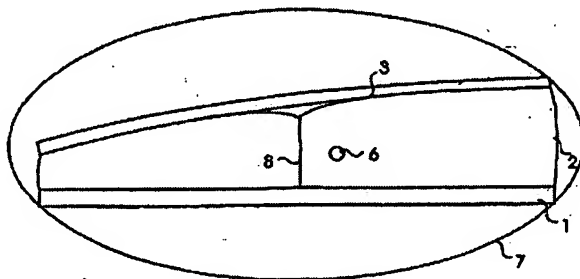


Fig. 4B

Because Tanaka does not disclose a pillow having a longitudinal cross section that is at least substantially wedge-shaped, claim 1 is not anticipated by Tanaka. Claims 7-10 depend from claim 1, and are allowable therewith.

Other Amendments

Claims 7 and 9 were amended to depend from claim 1, instead of claim 6, which has been canceled as part of this Amendment.

CONCLUSION

Because the prior art made of record does not show, suggest, or teach all the limitations in claims 1-5 and 7-10, these claims are in condition for allowance. Favorable reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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